

FORTY-NINTH LEGISLATURE  
FIRST SESSION, 2009

SB 248/a

February 6, 2009

Madam President:

Your **PUBLIC AFFAIRS COMMITTEE**, to whom has been referred

**SENATE BILL 248**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 23, between lines 22 and 23, insert the following new section:

"Section 12. Section 32A-2-5 NMSA 1978 (being Laws 1993, Chapter 77, Section 34, as amended) is amended to read:

"32A-2-5. JUVENILE PROBATION AND PAROLE SERVICES--  
ESTABLISHMENT--JUVENILE PROBATION AND PAROLE OFFICERS--POWERS AND  
DUTIES.--

A. Juvenile probation and parole services shall be provided by the department.

B. To carry out the objectives and provisions of the Delinquency Act, but subject to its limitations, the department has the power and duty to:

(1) receive and examine complaints and allegations that a child is a delinquent child for the purpose of considering beginning a proceeding pursuant to the provisions of the Delinquency Act;

(2) make case referrals for services as appear appropriate or desirable;

(3) make predisposition studies and assessments and submit reports and recommendations to the court;

(4) supervise and assist a child placed on probation

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or [~~parole~~] supervised release or under supervision by court order or by the [~~juvenile parole board~~] department;

(5) give notice to any individual who has been the subject of a petition filed pursuant to the provisions of the Delinquency Act of the sealing of that individual's records in accordance with that act;

(6) informally dispose of up to three misdemeanor charges brought against a child within two years;

(7) give notice to the children's court attorney of the receipt of any felony complaint and of any recommended adjustment of such felony complaint;

(8) identify an Indian child for the purpose of contacting the Indian child's tribe in delinquency cases; and

(9) contact an Indian child's tribe to consult and exchange information for the purpose of preparing a predisposition report when commitment or placement of an Indian child is contemplated or has been ordered and indicate in the report the name of the person contacted in the Indian child's tribe and the results of the contact.

C. A juvenile probation and parole officer does not have the powers of a law enforcement officer. A juvenile probation and parole officer may take into physical custody and place in detention, subject to application of a detention risk assessment instrument, a child who is under supervision as a delinquent child or as a youthful offender when there is reasonable cause to believe that the child has violated the conditions of [~~his~~] the child's probation or that the child may leave the jurisdiction of the court. Taking a child into custody under this subsection is subject to and shall proceed in accordance with the provisions of the Delinquency Act relating to custody and detention procedures and criteria."".

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2. Renumber the succeeding sections accordingly.
3. On page 30, line 6, after "parole", insert "or supervised release".
4. On page 43, strike lines 12 through 15 in their entirety and strike line 16 through the period.
5. On page 62, line 4, after the first occurrence of "jury", strike the remainder of the line and strike line 5 up to the period.
6. On page 62, strike lines 13 through 18 in their entirety and strike line 19 through the period.
7. On page 67, line 4, after "code", insert "in the children's court's discretion and to the extent that it neither conflicts with nor is inconsistent with the dispositional provisions of the Children's Code".
8. On page 68, line 10, before the colon insert:  
  
"any of the following, provided that the agency, person or institution receiving information shall not re-release the information without proper consent or as otherwise provided by law".
9. On page 70, strike lines 6 through 10 in their entirety.
10. On page 70, line 11, strike the subparagraph designation "(a)" and insert in lieu thereof the paragraph designation "(8)".
11. On page 70, line 13, strike the subparagraph designation "(b)" and insert in lieu thereof the paragraph designation "(9)".
12. On page 70, line 17, strike the subparagraph designation "(c)" and insert in lieu thereof the paragraph designation "(10)".
13. On page 70, line 19, strike the subparagraph designation

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"(d)" and insert in lieu thereof the paragraph designation "(11)".

14. On page 71, line 1, strike the subparagraph designation "(e)" and insert in lieu thereof the paragraph designation "(12)".

15. On page 71, line 5, strike the subparagraph designation "(f)" and insert in lieu thereof the paragraph designation "(13)".

16. On page 71, line 9, strike the subparagraph designation "(g)" and insert in lieu thereof the paragraph designation "(14)", and on line 10, strike the second occurrence of "and".

17. On page 71, line 11, strike the subparagraph designation "(h)" and insert in lieu thereof the paragraph designation "(15)".

18. Renumber the succeeding paragraphs accordingly.

19. On page 74, line 6, strike "ninety" and insert in lieu thereof "sixty".

20. On page 119, line 11, strike "guardian ad litem or".

21. On page 148, line 7, after "state", strike the remainder of the line and strike line 8 up to the period.

22. On page 149, line 8, strike "and".

23. On page 149, line 12, strike the period and insert in lieu thereof "; and".

24. On page 149, between lines 12 and 13, insert the following new paragraph:

"(5) adopt rules and regulations as may be necessary for the effectual discharge of duties of the board."

25. On page 151, strike lines 13 through 25 in their entirety,

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strike all of page 152 and on page 153, strike lines 1 through 22 in their entirety.

26. Renumber the succeeding sections accordingly.,  
and thence referred to the **JUDICIARY COMMITTEE**.

Respectfully submitted,

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Dede Feldman, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Griego, E., Nava

Absent: None

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